

INFORMAL RESOLUTION OF DISPUTE OPERABLE UNIT 4, SOLAR PONDS

The parties jointly agree that the dispute concerning milestone extensions for the Phase I RFI/RI Report (draft and final) for OU4, Solar Ponds, initiated by DOE letter dated June 2, 1993 shall be resolved as described below and depicted on the attached draft dispute resolution schedule:

1. To affect an improvement in the Solar Ponds Project as a whole, the resolution of this dispute should not be limited to discussions concerning only the Draft and Final Phase I RFI/RI Reports for OU4 and the disputed milestones and extension requests related thereto.
2. The DOE will organize and conduct an analysis (Characterization Data Options Study) to determine the best method to support the IM/IRA Decision Document with characterization information. Our regulators, both the Colorado Department of Health (CDH) and Environmental Protection Agency (EPA), will actively participate in this analysis with a proposed completion date (milestone 1.5) of 7/23/93. Specific requirements of the analysis will be:
 - a. To determine the best method to present site characteristics, nature, extent, fate, and transport of contaminate information for use by the IM/IRA Decision Document.
 - b. To determine the nature and content of the IM/IRA Decision Document for pond closure without a RFI/RI Report.
 - c. To determine revised IAG milestones for development of the IM/IRA Decision Document, specifically:
 - 1) Submit Draft Proposed IM/IRA Decision Document.
 - 2) Submit Proposed IM/IRA Decision Document
 - 3) Submit IM/IRA Responsiveness Summary (following 60-day public comment)
 - 4) Submit Final IM/IRA Decision Document and Final Responsiveness Summary.
 - 5) Submit IM Design Work Plan
3. The DOE will organize and conduct an analysis to determine the best option for removal, storage, and management of sludges to allow acceleration of the IM/IRA construction start milestone of January 28, 1997. Our regulators, both CDH and EPA, will actively participate in this analysis with a proposed completion date (milestone 2.8) of 7/26/93. Specific requirements of the analysis will be:
 - a. To determine the best approach to removing, storing, and managing sludges to allow acceleration of the pond closure construction.

b. To determine the minimum regulatory requirements utilizing CAMU or other approaches for water transfer, sludge removal, sampling/characterization, sludge transfer, extended storage, surveillance, and permitting which would allow maximum acceleration of the selected sludge management option.

c. To provide sufficient definition of the selected option to allow procurement of long lead equipment or supplies to begin.

4. Based on the analysis described in paragraphs 2 and 3 above, the DOE with active participation by the regulators will prepare a detailed technical scope (Design Criteria Development) of the revised approach to the Solar Ponds project. This scope will be the basis for revised budgets and schedules for the work, while identifying impacts on the life-cycle cost of the solar ponds project and consistency with current Five-Year Plan budget targets. This effort has a proposed completion date (milestone 3.6) of 9/7/93. Specific requirements of the effort will be:

a. To determine the new IAG milestone for "All Solar Ponds emptied of water and sludge."

b. To determine the revised IAG milestone for "Begin IM/IRA Construction." The milestone for construction completion will be identified and approved in the IM/IRA Decision Document.

c. To determine the revised life-cycle baseline scope, schedule, and budget profile.

d. To provide the basis for a Baseline Change Proposal (BCP) submission to the Level I (DOE HQ) Baseline Change Control Board.

5. The DOE will organize and conduct an initiative (Streamlined Closure and Remediation) to revise paragraphs I.B.10 and I.B.11.b of the IAG Statement of Work per Part 32, Additional Work or Modifications to Work, with the goal of accelerating the IM/IRA and final Solar Ponds remediation. Our regulators, both CDH and EPA, will actively participate in this analysis with a proposed completion date (milestone 4.3) of 9/21/93. Specific requirements of the analysis will be:

a. To modify paragraph I.B.10 of the IAG Statement of Work for OU4 to allow expedited design review/approval of the IM/IRA.

b. To modify paragraph I.B.11.b of the IAG Statement of Work for OU4 to eliminate requirements for separate and additional completion of CERCLA remediation documentation, rather to address corrective action as part of the RCRA pond closure (IM/IRA) action.

c. To revise or eliminate current Phase II IAG milestones consistent with the scope of work modifications.

6. The attached draft Dispute Resolution Schedule reflects the efforts described in paragraphs 2, 3, 4, and 5 above. Successful completion of this schedule requires the active participation of the DOE, CDH and EPA. The schedule is presented in draft and will be finalized at the first meeting of the group with DOE, CDH and EPA.

7. The DOE will make every effort to minimize impacts from NEPA, DOE Headquarters technical and programmatic reviews, Safety Analysis Reports, classification delays, security clearances, and other impacts. Critical path slips may still occur due to these and other actions outside the control of the DOE, such as the Defense Nuclear Facility Safety Board (DNFSB).

8. In exchange for the actions above, the Phase I RFI/RI Report (draft and final) will no longer be required, effectively eliminating the basis for the dispute. The dispute will remain open at the informal level until milestones developed above and modifications to the scope of work are formally accepted by the regulators. If milestones are not accepted, then the dispute will be addressed according to the original DOE and regulator correspondence.

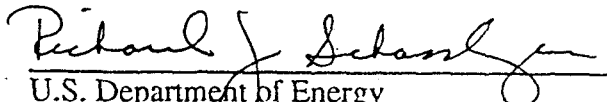
9. All parties agree that the approach outlined above provides an enhanced model for accelerating the closure of the Solar Ponds and remediation of Operable Unit 4. As such it serves the ultimate goal of the IAG and stated goals of all parties.

Colorado Department of Health
Gary W. Baughman

Date

U.S. Environmental Protection Agency
Martin Hestmark

Date



U.S. Department of Energy
Richard J. Schussburger

7/12/93

Date

DRAFT DISPUTE RESOLUTION SCHEDULE

WBS	Name	Duration	Resp.	July							August				September		
				6/20	6/27	7/4	7/11	7/18	7/25	8/1	8/8	8/15	8/22	8/29	9/5	9/12	9/19
1	Characterization Data Options Schedule	23.38ed	Ogg														
1.1	Devel strategy for RFI data utilization	5d	Team														
1.2	Ph I Report	10d	Ogg														
1.3	First Part of IM/IRA	10d	Ogg														
1.4	Review with Team Members' Mgrs	2d	DOE														
1.5	Team Concurrence	0d	Team														
2	Options Study	33.38ed	Mellen														
2.1	BCP	8d	Cowen														
2.2	Modify Existing MTS Contract	8d	Beckman														
2.3	Screen & select sludge Removal Options	13d	Collins														
2.4	Study sludge Removal Options	10d	Collins, SC														
2.5	Screen & Select Container Options	13d	James														
2.6	Study Container Options	10d	James, SC														
2.7	Review with Team Members' Mgrs	5d	DOE														
2.8	Team Concurrence	0d	Team														
3	Design Criteria Development	42.38ed	SC														
3.1	Conceptual Design	20d	SC														
3.2	Schedule	17d	SC														
3.3	Cost Estimate	17d	SC														
3.4	Design Criteria Package	5d	SC														
3.5	Review with Team Members' Mgrs	5d	DOE														
3.6	Team Concurrence	0d	Team														
4	Streamlined Closure & Remediation Initiative	21.38ed	Ogg														
4.1	Modify IAG Statement of Work	10d	Ogg														
4.2	Review with Team Members' Mgrs	5d	DOE														
4.3	Team Concurrence	0d	Team														

Project: Accel. Sludge Removal

Date: 7/6/93

Critical

Noncritical

Progress

Milestone

Summary